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**From:** JENKIN, Bernard  
**Sent:** 02 May 2016 09:48  
**To:** Jeremy Heywood

**Subject:** EU Referendum, Section 125 of PPERA, and the EUreferendum.gov.uk website

Dear Jeremy

I am writing to ask you to prevent what would be a clear and serious breach of the law and of the undertakings you gave to my Committee in oral evidence on the question of Section 125 of the Political Parties, Elections and Referendums Act 2000 (PPERA). I am copying this email to the Chair of the Electoral Commission, to the Attorney General, to the Prime Minister's chief of staff, and to members of the House of Commons Liaison Committee, before whom the Prime Minister is due to appear on Wednesday.

Section 125(1) of the PPERA explicitly prohibits and restricts central government from publishing materials during the last 28 days of a referendum period, which:

- (a) provides general information about a referendum to which this Part applies;*
- (b) deals with any of the issues raised by any question on which such a referendum is being held;*
- (c) puts any arguments for or against any particular answer to any such question; or*
- (d) is designed to encourage voting at such a referendum.*

The prohibition includes the publication of materials "published during the relevant period by or on behalf of any Minister of the Crown, [and] government authority" (Section 125(2)(a)).

In relation to the EU Referendum, this means that nothing should be published during the 28 day period from 27 May 2016. Section 125(4)(a) explains that publish should be defined as meaning to "make available to the public at large, or any section of the public, in whatever form and by whatever means (and "publication" shall be construed accordingly)".

The Government has launched its eureferendum.gov.uk website at a cost of nearly £3 million. The Government's position on the EU referendum also features extensively across the gov.uk online platform, including as a topic through the weblink: <https://www.gov.uk/government/topical-events/eu-referendum> and in recent days a banner has appeared on a number of sections of the gov.uk websites advising people to click a link about the referendum which takes them to the eureferendum.gov.uk website.

Although Section 125(3) enables central government to publish materials about the holding of the poll and provisions in Section 8 of the European Union Referendum Act 2015 enable the Government to undertake

routine day-to-day business on EU matters, it would clearly breach Section 125 of PPERA for the Government to continue to publish online its EUreferendum.gov.uk during the 28 day relevant period as well as the other web links referred to. These quite clearly relate to the Government's position on the EU Referendum question to support the arguments for remaining in the EU and seek to encourage voters to vote in that particular manner too.

However, the Government has committed itself to breach Section 125 of PPERA by maintaining these materials on the gov.uk online platform during the relevant 28 period. In response to a **Written Parliamentary Question** explicitly asking the Government if the website EUreferendum.gov.uk would be removed from the internet during the 28 day period, the Government in its response committed only not to add new content. It made it clear that the Government would keep the website live so that, in their words, "the public continue to have access to factual information throughout the Referendum campaign." I have also enclosed a copy of the question and answer for your reference. However, maintaining the website and these materials online is publishing them within the definition of Section 125(4)(a) of PPERA, therefore, their presence on the internet facilitated by the gov.uk online platform during the 28 day period would in itself be a breach of the law.

Much of the material which the government claims to be 'facts' on this issue is contentious and is the subject of extensive debate during the EU Referendum campaign. As such it would be in breach of the law for taxpayer-funded resources to continue to maintain the publication of this material online during the 28 day period to which the provisions of Section 125 of the PPERA apply. Moreover, the extent to which this material is being published and the cost and the value to the Remain campaign is significant and if a non-governmental body was promoting a particular view in the Referendum to this level they would be regulated accordingly.

Please can you issue appropriate ensure that this campaign material is removed by 27<sup>th</sup> May to ensure compliance with Section 125 of PPERA.

I very much hope that the written answer given to me is a temporary lapse of no significance and that you will quickly ensure that the government complies with the law. I look forward to your reply in time for Wednesday's meeting of the Liaison Committee.

Yours sincerely,

Bernard

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## UK Membership of EU: Referendums: Written question - 33477

Q

Asked by [Mr Bernard Jenkin](#)

(Harwich and North Essex)

[\[N\]](#)

Asked on: 11 April 2016

**Cabinet Office**

## **UK Membership of EU: Referendums**

33477

To ask the Minister for the Cabinet Office, with reference to the press release entitled Government responds to the public desire for EU facts published on 6 April 2016, what proportion and how much of the £2,894,064 will be spent on digital promotion and a website as part of the EU referendum campaign; and whether the website [eureferendum.gov.uk](http://eureferendum.gov.uk) will be removed from the internet during the period in which section 125 of the Political Parties, Elections and Referendums Act 2000 applies.

[A](#)

Answered by: [John Penrose](#)

Answered on: 14 April 2016

The Government published details of the cost of the production and delivery of this public information leaflet on 6<sup>th</sup> April. It is not possible to provide a further breakdown of these figures, as this would compromise the commercial confidentiality of Royal Mail and the relevant printers.

The Government has confirmed that a budget of £2.894,064m has been allocated for digital promotion and the operation of the [EUreferendum.gov.uk](http://EUreferendum.gov.uk) website. This will be a key means through which the public can access factual information on the Referendum question.

It is important to ensure that the public continue to have access to factual information throughout the Referendum campaign. The Government has been clear that it will comply fully with the statutory restrictions in place during the 28 day period from 27th May 2016. No new content will be added to the [EUreferendum.gov.uk](http://EUreferendum.gov.uk) website during this period.

Work on the leaflet and the website was taken forward by Cabinet Office and No 10 staff, as part of their on-going responsibilities and it is not possible to separate out the cost without incurring disproportionate cost.

Grouped Questions: [33476](#) | [33449](#) | [33450](#) | [33451](#)